

Timothy E. Foley, Esquire  
ATTORNEY I.D. #19105  
FOLEY, COGNETTI, COMERFORD & CIMINI  
700 Electric Building  
507 Linden Street  
Scranton, PA 18503-1666  
570-346-0745

Attorney for Defendant,  
Townsend Engineering Company

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IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

JUAN PEREZ and MINERVA PEREZ, (h/w)	:	3:05-CV-
Plaintiffs	:	
vs.	:	
TOWNSEND ENGINEERING COMPANY	:	JURY TRIAL DEMANDED
Defendant	:	

NOTICE OF REMOVAL OF ACTION

Defendant, Townsend Engineering Company, through its attorneys, FOLEY, COGNETTI, COMERFORD, CIMINI & CUMMINS, gives notice of the removal to this Court of a state civil action pending in the Court of Common Pleas of Lackawanna County, Pennsylvania, and in support thereof avers as follows:

1. The initial pleading in the action, a Praecept to Issue Writ of Summons was brought against Defendant by Plaintiffs and is pending in the Court of Common Pleas of Lackawanna County under docket number 4055 of 2005. See Exhibit "A" attached.
2. The state court where this action was originally filed is located in Scranton, Lackawanna County, Pennsylvania, which is located within this judicial district.

3. At the time of the filing of this action in state court, Plaintiffs were permanent resident aliens of the Commonwealth of Pennsylvania residing in West Hazleton, Luzerne County, Pennsylvania.

4. Defendant, at the time of the filing of this action in state court, was and is a corporation incorporated under the laws of the State of Iowa and has its principal place of business in Des Moines, Iowa.

5. This action is for a matter in controversy in excess of the sum or value of \$75,000.00 exclusive of interest and costs, as is set forth in the Praeclipe to Issue Writ of Summons, and is between citizens of different states.

6. Plaintiffs allege damages in excess of \$100,000.00 exclusive of interest and costs for each claim, as set forth in the Praeclipe to Issue Writ of Summons.

7. This Court has original diversity of citizenship jurisdiction of the subject matter of this action under 28 U.S.C. §1332.

8. The Praeclipe to Issue Writ of Summons and the Writ of Summons, was served on Defendant by certified mail on October 17, 2005, and the instant Notice of Removal is filed within thirty days thereof as required by 28 U.S.C. §1446(b). No other process, pleadings or orders have been served upon Defendant.

9. The statutory requirements having been met, this action is properly removed to this Court.

Respectfully submitted,

**FOLEY, COGNETTI, COMERFORD  
CIMINI & CUMMINS**

BY: s/Timothy E. Foley, Esquire  
Attorneys for Defendant,  
Townsend Engineering Company

THIS IS NOT AN ARBITRATION CASE  
ASSESSMENT OF DAMAGES HEARING IS REQUIRED  
DAMAGES IN EXCESS OF \$100,000 EXCLUSIVE OF  
INTEREST & COSTS FOR EACH CLAIM  
JURY TRIAL IS DEMANDED

GALFAND BERGER, LLP  
BY: PETER M. PATTON, ESQUIRE  
Identification No. 48847  
Suite 2300, 1818 Market Street  
Philadelphia, PA 19103  
(215) 665-1600

Attorneys for Plaintiffs

MARY F. RIMALDI  
LACKAWANNA COUNTY  
CLERK OF JUDGEMENT  
RECORDS CIVIL DIVISION  
2005 OCT - 1 P 12:32

JUAN PEREZ and MINERVA PEREZ, h/w  
Permanent Resident Aliens residing at  
311 Allen Street  
West Hazelton, Pennsylvania 18202

Plaintiffs

vs.

TOWNSEND ENGINEERING COMPANY  
A Iowa Corporation  
2425 Hubbell Avenue  
Des Moines, Iowa 50317  
Principal Place of Business

Defendant

COUNTY OF LACKAWANNA

COURT OF COMMON PLEAS

TERM, 2005

05cv4055 No.

JURY TRIAL DEMANDED

PRAEICE TO ISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue WRIT OF SUMMONS IN CIVIL ACTION to TOWNSEND ENGINEERING COMPANY, in the above-captioned matter.

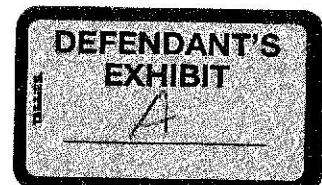
GALFAND, BERGER, LLP

By:

  
PETER M. PATTON, ESQUIRE  
Attorney for Plaintiffs

DATED: 10-4-05

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THIS IS NOT AN ARBITRATION CASE. ASSESSMENT OF DAMAGES HEARING IS REQUIRED. DAMAGES IN EXCESS OF \$100,000 EXCLUSIVE OF INTEREST & COSTS FOR EACH CLAIM. JURY TRIAL IS DEMANDED

IN THE COURT OF COMMON PLEAS  
OF LACKAWANNA COUNTY, PENNSYLVANIA

JUAN PEREZ and MINERVA PEREZ, h/w

Permanent Resident Aliens

311 Allen Street

West Hazelton, PA 18202

vs.

TOWNSEND ENGINEERING COMPANY

A Iowa Corporation

2425 Hubbell Avenue

Des Moines, Iowa 50317

Principal Place of Business

NO. 05cv

RECEIVED  
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Civil Action

JURY TRIAL DEMANDED

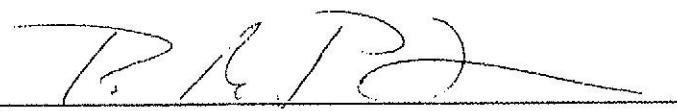
MARY RINALDI  
CLERK OF JUDICIAL RECORDS  
CIVIL DIVISION  
LACKAWANNA COUNTY

### PRAECIPE FOR SUMMONS

TO THE PROTHONOTARY:

Issue Summons in Civil Action in the above case

Writ of Summons shall be forwarded to  Attorney  Sheriff

  
Signature of Attorney

Peter M. Patton, Esquire

Galfand, Berger LLP

1818 Market Street, 23 Floor

Philadelphia, PA 19103

215 665 1600

Name/Address/Telephone Number of Attorney

Date: 16-9-05

I.D. Number: 48847

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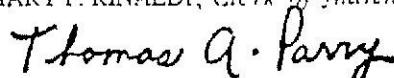
### SUMMONS IN CIVIL ACTION

You are notified that the Plaintiff(s) have commenced an action against you.

SEAL OF  
THE  
COURT

  
Mary F. Rinaldi

MARY F. RINALDI, Clerk of Judicial Records

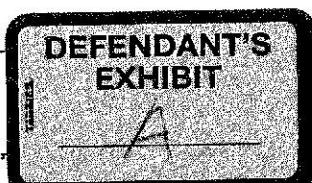
  
Thomas A. Parry

Date: OCT - 7 2005

Thomas A. Parry, Administrator

ADDRESS LINE 1

ADDRESS LINE 2





Timothy E. Foley, Esquire  
ATTORNEY I.D. #19105  
FOLEY, COGNETTI, COMERFORD & CIMINI  
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Attorney for Defendant,  
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JUAN PEREZ and	:	
MINERVA PEREZ, (h/w)	:	3:05-CV-
Plaintiffs		:
vs.		:
TOWNSEND ENGINEERING	:	JURY TRIAL DEMANDED
COMPANY	:	
Defendant		:

NOTICE OF FILING OF NOTICE OF REMOVAL

To: Peter M. Patton, Esquire

**PLEASE TAKE NOTICE** that Defendant, Townsend Engineering Company, on November 10, 2005, filed in this Court a Notice of Removal of the State Court Action docketed in the Court of Common Pleas of Lackawanna County Pennsylvania at 4055 of 2005. A copy of the Notice of Removal is attached and served with this Notice.

**PLEASE TAKE FURTHER NOTICE THAT** a certified copy of the Notice of Removal was filed this same date with the Clerk of the Court of Common Pleas of Lackawanna County, Pennsylvania.

**PLEASE BE ADVISED** that by virtue of 28 U.S.C. §1446 (d), this state action is now removed to this Court. The state court has no further jurisdiction over this action and you should proceed no further in that court or under its authority.

Respectfully Submitted,

FOLEY, COGNETTI, COMERFORD  
CIMINI & CUMMINS

s/ Timothy E. Foley, Esquire  
Attorneys for Defendant,  
Townsend Engineering Company